

STATE BOARD OF EDUCATION

STATE OF GEORGIA

T. M.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2002-24
	:	
MUSCOGEE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by T. M. (Student) from a decision by the Muscogee County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to suspend him for four weeks after finding him guilty of possessing matches in school and holding out some leaves to be drugs. The Student claims that the evidence does not support the decision, the decision was too harsh, and the tribunal was improperly constituted. The Local Board's decision is sustained.

On October 10, 2001, the Student brought some leaves into the school cafeteria. He unsuccessfully attempted to light the leaves while in the cafeteria. He told the other students at his table that he had some "weed." He then went to the boys' bathroom and tried to light the leaves. The principal found a box of matches in the Student's pocket when she investigated the incident. The Student was found guilty of violating the Local Board's rule 12, which prohibits acts of misconduct that affect the health and safety of other students or school personnel because of his possession and lighting of matches in the school building. The student disciplinary tribunal that heard the case suspended the Student for four weeks. The Local Board upheld the tribunal's decision when the Student appealed. The Student then appealed to the State Board of Education.

Upon appeal, the Student claims that there was no evidence to support the charges, the tribunal was improperly constituted, and the punishment was too harsh.

The record does not show that the Student raised any issue regarding the make-up of the tribunal, either at the hearing or on appeal to the Local Board. "If an issue is not raised at the initial hearing, it cannot be raised for the first time when an appeal is made." *Hutcheson v. DeKalb Cnty. Bd. of Educ.*, Case No. 1980-5 (Ga. SBE, May 8, 1980). The State Board of Education, as an appellate body, is not authorized to consider matters that have not been raised before the Local Board. *Sharpley v. Hall Cnty. Bd. of Educ.*, 251 Ga. 54, 303 S.E.2d 9 (1983).

The Student next claims that there was no evidence to support the charges. "The standard for review by the State Board of Education is that if there is any evidence to support the decision of the local board of education, then the local board's decision will stand unless there has been an

abuse of discretion or the decision is so arbitrary and capricious as to be illegal. *See, Ransum v. Chattooga County Bd. of Educ.*, 144 Ga. App. 783, 242 S.E.2d 374 (1978); *Antone v. Greene County Bd. of Educ.*, Case No. 1976-11 (Ga. SBE, Sep. 8, 1976)." *Roderick J. v. Hart Cnty. Bd. of Educ.*, Case No. 1991-14 (Ga. SBE, Aug. 8, 1991). In this case, the principal testified that the Student removed a box of matches from his pocket. The Student also admitted that he had a box of matches. The State Board of Education, therefore, concludes that there was some evidence to support the Local Board's decision.

The Student also claims that the punishment was too harsh. The State Board of Education, however, cannot adjust the level or degree of discipline imposed by a local board of education. *B. K. v. Bartow Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998).

Based upon the foregoing, it is the opinion of the State Board of Education that there was evidence to support the Local Board's decision and the Local Board did not abuse its discretion in suspending the Student for four weeks for possessing and lighting matches in school. The Local Board's decision, therefore, is
SUSTAINED.

This _____ day of March 2002.

Bruce Jackson
Vice Chairman for Appeals